

Freedom of the Press

The federal constitution and the Media Law of 1981 provide the basis for media freedom in Austria. Many press freedom advocates have urged the government to revise the country's stringent civil and criminal libel laws, which serve to protect politicians and public officials. In August 2013, Michael Genner, the chairman of the political asylum advocacy group Asyl in Not, argued in an op-ed that human smugglers perform a public service. Authorities charged Genner with unlawfully advocating criminal acts in the media. The case was still pending at the end of 2013, but press freedom advocates warned that a conviction could undermine free expression. In April 2012, a much-debated data retention law took effect. Based on a European Union directive, the law requires telecommunications companies and internet service providers to store user data for up to six months. Due to numerous constitutional complaints, the Austrian Constitutional Court asked for the opinion of the European Court of Justice (ECJ). The ECJ took on the case in July 2013, but postponed a full review until 2014.

The 2010 Terrorism Prevention Law penalizes the preparation and organization of terrorist acts as well as training for terrorist purposes. Critics argue that the law impinges on freedom of expression by stipulating that individuals who incite hatred or contempt against any group will face up to two years in prison, but no cases on such charges were reported in 2013. Similarly, there was no evidence that a contentious 2012 amendment to the Security Police Act, which enables state authorities to monitor, wiretap, film, and locate individuals, had been used to deter journalistic work or intimidate investigative reporters.

There is no official censorship, although any form of Nazi propaganda or anti-Semitism is prohibited by law. A lengthy case involving Ed Moschitz, a journalist working for the Austrian Public Broadcasting Corporation (ORF), remained unresolved at the end of 2013. He had been accused by Heinz-Christian Strache, leader of the right-wing Austrian Freedom Party, of encouraging two men to give a Nazi salute during the filming of a documentary in 2010. As the proceedings wore on, Moschitz filed a complaint with the European Court of Human Rights in April 2012, alleging a violation of his right to a fair trial. In 2013 an Austrian court decided not to pursue charges against him, but he extended the case by filing a defamation claim against his accuser.

Freedom of information legislation is in place. However, the constitution includes a provision on official secrecy, and the country's legal framework on access to information was rated the worst among 93 countries evaluated in a September 2013 study by Access Info Europe and the Centre for Law and Democracy. In 2012, journalist and transparency activist Josef Barth initiated an online signature campaign to gather support for the passage of a new law. In March 2013, the government released a draft bill that included a provision for the right to access government documents. The bill had not been passed by year's end.

The Austrian Communications Authority (KommAustria) regulates broadcast licenses and manages frequencies. Since 2010 it has also been responsible for the legal supervision of audiovisual services and the public broadcaster. Its five members are appointed for six years by the head of state on the recommendation of the federal government. After its breakup in 2002, the self-regulatory Austrian Press Council was reestablished in 2010 and resumed work in 2011. Its responsibilities include handling complaints regarding content in newspapers, magazines, and their websites. However, membership in the council is not obligatory for such outlets.

Political influence at the ORF continued to be an important issue in 2013. Physical attacks against and harassment of journalists are rare.

While daily national newspapers are fiercely competitive, the print sector is characterized by single regional newspapers that dominate up to 90 percent of their respective markets. Following amendments to the Broadcasting Law in 2004, Austria's public broadcasting network has faced growing competition from private outlets. Cable and satellite services are widely available and offer content from both Austrian and German stations, with some of the latter tailoring programming for the Austrian audience. Internet access is unrestricted, and 81 percent of the population accessed the internet in 2013.

Media ownership is highly concentrated. In many regions of Austria, the largest newspaper also owns the only private radio station, despite the fact that the Cartel Court has the authority to monitor the media environment to ensure diversity. The Media Transparency Law that took effect in July 2012 forced public offices, like governmental departments, to disclose their media advertisements for the first time. A new law on corruption that took effect in January 2013 defines ORF journalists as public-service employees and sets strict rules regarding the acceptance of benefits.

The government has provided all daily and weekly newspapers with annual direct payments since 1974, with larger amounts of money going to newspapers that are considered especially important contributors to the diversity of opinion. A 2003 law reformed this press subsidy scheme in order to promote regional diversity, professional development of journalists, and special projects. In recent times, the economic subsidies have helped newspapers to survive and to contribute to media pluralism. Receiving these subsidies does not entail any obligation regarding content.

2014 Scores

Press Status

Free

Press Freedom Score

(0 = best, 100 = worst)

21

Legal Environment

(0 = best, 30 = worst)

8

Political Environment

(0 = best, 40 = worst)

8

Economic Environment

(0 = best, 30 = worst)

5